

Item SPR06-09 Response Form

Title: Elder Abuse Prevention: Plain-Language forms (revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-145, EA-150, and EA-151)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 23, 2006

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee. All comments will become part of the public record of the council's action.

Invitations to Comment SPR06-09

Title	Elder Abuse Prevention: Plain-Language forms (revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-145, EA-150, and EA-151)
Summary	The elder and dependent adult abuse prevention forms would be revised to be in a plain-language format. Also, the forms would include some new provisions to reflect recent legislation.
Source	<p>Civil and Small Claims Advisory Committee Hon. Elihu M. Berle, Chair</p> <p>Probate and Mental Health Advisory Committee Hon. Don Edward Green, Chair</p>
Staff	<p>Patrick O'Donnell, Counsel to the Civil and Small Claims Advisory Committee, 415-865-7665, patrick.o'donnell@jud.ca.gov</p> <p>Douglas C. Miller, Counsel to the Probate and Mental Health Advisory Committee, 415-865-7535, douglas.miller@jud.ca.gov</p>
Discussion	<p>The Judicial Council has previously revised the domestic violence and civil harassment prevention forms to be in a plain-language format. Based on the format of those forms, the elder and dependent adult abuse prevention forms would be revised to be in a plain-language format. The features of the plain-language versions of these forms would include:</p> <ul style="list-style-type: none"> • Clearer, simpler language explaining what information the litigants should provide on the forms; • Larger, more readable type; • More space on each page to make the forms more readable; • More space for people to provide information; and • An organization and format that is more intuitive and accessible to ordinary people who are unfamiliar with legal conventions. <p>The revised elder and dependent adult abuse prevention forms would help not only the parties who are filing them out, but also the judicial system and, if the parties are represented, their attorneys. The</p>

revisions should make it easier for people to understand the forms and to complete them with less assistance and fewer mistakes.

The forms additionally would be changed to implement provisions in Assembly Bill 978 (Runner). Thus, on form EA-100, new item 10e enables the protected person to ask for an order that the restrained person not “[t]ake any action to obtain my address or location.” On form EA-120, new item 5c provides for such an order.

The specific proposed changes to the forms are described below.

1. *Request for Orders to Stop Elder or Dependent Adult Abuse* (revised form EA-100)

A person seeking a restraining order would use the revised form to initiate an elder or dependent adult abuse prevention case. This form would replace the current form *Petition for Protective Orders (Elder or Dependent Adult Abuse)*. The revised form, like others in the series, would change the form’s title to be easier to understand and would replace the caption with one that a self-represented person can more readily grasp and fill out. All the legal elements necessary to request relief would be contained on revised form EA-100, but the items on the form would be presented more clearly.

This form would be used both for original requests and requests to renew a protective order. (See item 6.) As a result, if this form is revised as proposed, current forms EA-135 and EA-136 would no longer be needed and would be revoked.

2. *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (revised form EA-110)

A person would use the form to respond to a request for orders to stop abuse. The form would replace current form *Response to Petition for Protective Orders (Elder and Dependent Adult Abuse)*. The revised form is written in a clearer and more direct manner than the current form. It should enable a respondent to answer or object to the contentions in the *Request for Orders*.

3. *Notice of Hearing and Temporary Restraining Order* (CLETS-TRO) (revised form EA-120)

This form provides notice of the hearing on the request for orders and the temporary orders, if any, that the court issues in an elder or dependent adult abuse prevention proceeding. It would replace the

Order to Show Cause and Temporary Restraining Order (Elder or Dependent Adult Abuse) (CLETS).

The revised form retains all the legal elements that are contained in an “order to show cause” and “temporary restraining order,” but presents these in a manner more comprehensible to nonlawyers. Under the revised caption, the form contains a “Notice of Hearing” that tells respondents when the hearing on the request for orders will be heard. It tells respondents what they must tell the judge if they appear, and it explains the consequences if they do not appear. The revised form also includes “Temporary Orders Against the Restrained Person” that contain all the provisions in the current form, but the format is easier to understand and fill out.

The form includes all the statutorily required warnings and notices presented in a more readable manner. Information about how a hearing-impaired person may ask for accommodations is included on this form.

4. Request and Order on Reissuing Temporary Restraining Order (revised form EA-125)

This is a plain-language version of the current form to request reissuance of temporary restraining orders.

5. Restraining Order After Hearing (revised form EA-130)

This is a plain-language version of current form *Restraining Order After Hearing (Elder of Dependent Adult Abuse)*. It contains all the features of the current form, but uses many of the formatting and other changes used in the domestic violence and civil harassment prevention orders after hearing.

6. Proof of Personal Service (revised form EA-140) and *Proof of Service by Mail* (revised form EA-141)

The two current proofs of service forms (for personal service and service by mail) have been revised to follow the plain-language format. The revised forms should be easier to understand, especially by self-represented people unfamiliar with the concept of proof of service.

7. What Is “Proof of Service”? (new form EA-142)

This new form provides information to self-represented persons requesting orders to stop abuse about what “proof of service” means,

and how to carry it out.

8. *Proof of Firearms Turned in or Sold* (revised form EA-145)

This plain-language form is based on form DV-145 and CH-145. It provides a means for persons subject to a firearms relinquishment order to provide proof that their firearms have been turned in to a law enforcement agent or sold to a licensed gun dealer. The form would be optional.

9. *Can a Restraining Order to Prevent Elder or Dependent Adult Help Me?* (revised form EA-150) and *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse* (new form EA-151)

These two forms replace current *Instructions on Petition for a Protective Order to Prevent Elder or Dependent Adult Abuse* (form EA-150). The new forms are simpler and clearer. They are directed separately to each party in the case, addressing each party's specific concerns in a more focused manner.

Attachment

Clerk stamps date here when form is filed.

DRAFT
4/13/06
Not Approved
by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**1** Name of the person asking for protection:Address of the person (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Person's telephone number (*optional*): (____) _____Person's lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*):**2** Name of person you want protection from:Describe the person: Sex: ☐ M ☐ F Weight: _____

Height: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (*if you know*): _____

City: _____ State: _____ Zip: _____

Work Address (*if you know*): _____

City: _____ State: _____ Zip: _____

3 Who is asking the court for protection?☐ You, to protect yourself.☐ A person acting on your behalf:☐ A conservator☐ Another person with legal authority to represent you.

(*If you are requesting protection for yourself, indicate that and go on to ④. If someone else is making this request, that person must attach a statement of who he or she is, his or her legal authority to make this request, and information about this representation, including any court appointments, the case numbers, and other relevant matters. Attach a sheet of paper and write "EA-100, item 3—Information about person requesting orders."*)

4 Describe yourself:

a. Age: _____

b. Do you have any physical or mental limitations that prevent you from carrying out normal activities or protecting your rights? ☐ Yes ☐ No (*If yes, describe*): _____

☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 4—Describe Protected Person" at the top of the page.

This is not a Court Order.

Your name: _____

Case Number: _____

5 How do you know the person in 2? (Describe):

6 Why are you filing in this court? (Check all that apply):

- ☐ The person in 2 lives in this county.
- ☐ I was abused physically or emotionally by the person in 2 in this county.
- ☐ Other (explain): _____

7 a. Have you and the person in 2 been involved in another court case? ☐ Yes ☐ No

If yes, where? County: _____ State: _____

What is the case number? (If you know): _____

What kind of case? (Check all that apply):

- ☐ Elder abuse ☐ Dependent adult abuse ☐ Civil harassment
- ☐ Domestic violence ☐ Criminal
- ☐ Other (specify): _____

b. Are there now any protective or restraining orders relating to you and the person in 2?

☐ Yes ☐ No If yes, attach a copy if you have one.

☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 7—Describe Other Cases" at the top of the page.

8 Is this your first request for a protective order against the person in 2? ☐ Yes ☐ No

If no, are you asking for the renewal of an earlier protective order? ☐ Yes ☐ No

If you are asking for the renewal of an earlier order, provide the following information:

a. What was the case number of the earlier order? _____

b. How long do you want the renewed order to last? ☐ _____ years ☐ permanently

9 Describe in a. through g. how the person in 2 has abused you.

a. Date of most recent abuse: _____

b. Who was there? _____

This is not a Court Order.

Case Number:

c. Did the person in ② do any of the following to you: physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements, or contact you (directly or indirectly) by telephone, mail, e-mail, messenger, or by any other means?

If yes, describe:

If yes, did they give you an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know
Attach a copy, if you have one.

[illegible]

Your name: _____

g. Describe any injuries or harm you suffered as a result of the actions or deprivation described above:

☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 9—Describe Abuse" at the top of the page.

Check the orders you want ☒**10 ☐ Personal Conduct Order**I ask the court to order the person in ② to **not** do the following things to me:

- a. ☐ Abuse, intimidate, molest, attack, hit, follow, stalk, threaten, harass, destroy my personal property, keep me under surveillance, or block my movements.
- b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.

The person in ② will be ordered not to take any action to get the addresses or locations of any protected person, their family members, or caretakers unless the court finds good cause not to make the order.

11 ☐ Stay-Away Order

I ask the court to order the person in ② to stay at least (*specify*): _____ yards away from me and the places listed below: (*Check all that apply*):

- a. ☐ My home
- b. ☐ My job or workplace
- c. ☐ My vehicle
- d. ☐ Other (*specify*): _____

If the court orders the person in ② to stay away from all the places checked above, will that person be able to get to his or her home or job? ☐ Yes ☐ No

If no, explain: _____

12 ☐ Move-Out OrderI ask the court to order the person in ② to move out from and not return to my residence at (*address*):

I will suffer physical or emotional harm, if the person in ② does not leave the residence.

The title or lease to the residence is not in the sole name of the person in ② or the name of the person in ② and another person.

This is not a Court Order.

Your name: _____

Case Number: _____

Check the orders you want ☒ (continued)

☐ I ask for this move-out order right away to last until the hearing, because:

a. I have the right to live at the above residence (*explain*): _____

b. The person in ② assaulted or threatened me.

⑬ ☐ Order About Guns or Other Firearms

I ask the court to order the person in ② to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms **and** to sell or turn in any guns or firearms that he or she controls. The abuse in this case is not solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

⑭ ☐ Other Orders

What other orders are you asking for? (*Describe*): _____

☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 14—Other Orders" at the top of the page.

⑮ ☐ Temporary Orders

Do you want the court to make orders right now on matters listed in ⑩, through ⑭? ☐ Yes ☐ No

If yes, explain why: _____

☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 15—Temporary Orders" at the top of the page.

⑯ Delivery of Orders to Law Enforcement

I request that copies of the court's orders be given by (check one):

☐ The court clerk

☐ Myself

☐ My lawyer

to the following law enforcement agencies:

a. Name of Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

b. Name of Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

This is not a Court Order.



Your name: _____

17 ☐ **Request to Shorten Time for Service**

You must have your papers personally served on the person in ② at least 2 days before the hearing, unless the court orders a different time for service. (*Form EA-142, "What is Proof of Service?,"* explains how to serve (notify) the person in ②. *Form EA-140 may be used to show the court that the papers have been served.*) If your papers cannot be served at least 2 days before the hearing and you need more time, explain why:

18 ☐ **No Fee to Serve Orders**

I ask the court to order the sheriff to serve (notify) the person in ② about the orders for free.
(*To get free service of the court's orders without paying a fee, you must qualify for a fee waiver. To qualify you must fill out and file the Application for Waiver of Court Fees and Costs (Form 982(a)(17).)*)

19 ☐ **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. ☐ Lawyer's fees
b. ☐ Out-of-pocket expenses

The amounts requested are:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- ☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 19—Lawyer's Fees and Costs" at the top of the page.

20 **Additional Relief**

I ask the court for additional relief as may be proper.

21 Number of pages attached to this form, if any: _____

This Request for Orders to Stop Abuse must be personally served on the person in ②. The person requesting the orders may not serve these papers.

Date: _____

Lawyer's name_____
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

_____
*Name of person filing this request*_____
*Signature of person filing this request***This is not a Court Order.**

Clerk stamps date here when form is filed.

DRAFT

4/13/06

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by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of person who asked for the protective orders:

2 Your name: _____

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone (*optional*): (____) _____Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____**Use this form to give the court your responses to EA-100.**

- Read Form EA-151 to protect your rights.
- Fill out this form and then take it to the court clerk.
- You must have the person in ① served with a copy of this form and any attached pages.

3 ☐ **Personal Conduct Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
- c. ☐ I agree to the following orders (*specify*):

The court will consider your Response at the hearing. Write your hearing date and time here:

Hearing
DateDate: _____ Time: _____
Dept.: _____ Room: _____**You must obey the court's orders until the hearing.** If you do not come to this hearing, the court may make the orders requested against you last for up to 3 years.4 ☐ **Stay Away Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
- c. ☐ I agree to the following orders (*specify*): _____

5 ☐ **Move-Out Order**

- a. ☐ I agree to the order requested..
- b. ☐ I do not agree to the order requested.
- c. ☐ I agree to the following order (*specify*): _____

6 ☐ **Turn In Guns or Other Firearms**

- a. ☐ I do not own or have any guns or firearms.
- b. ☐ I agree to the order requested.
- c. ☐ I do not agree to the order requested.
- d. ☐ I agree to the following order (*specify*): _____



Case Number:

Your name: _____

10 ☐ **Other Relief**

I ask for additional relief as may be proper.

11 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name

Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign your name

**Notice of Hearing and
Temporary Restraining Order***Clerk stamps date here when form is filed.*

**DRAFT
4/13/06
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*Fill in court name and street address:***Superior Court of California, County of***Court fills in case number when form is filed.***Case Number:****1** Name of person asking for protection:

Address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone number (*optional*): (_____) _____Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____**2** Name of person to be restrained:

Description of that person:

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (*if known*): _____

City: _____ State: _____ Zip: _____

Work Address (*if known*): _____

City: _____ State: _____ Zip: _____

To the person in ②:**3 Notice of Hearing****A court hearing is scheduled on the request for orders against you to stop abuse:**

Name and address of court if different from above:

**Hearing
Date**Date: _____ Time: _____
Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form EA-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 Court OrdersThe court (*check a or b*):

- a. ☐ Has scheduled the hearing stated in ③. No orders are issued against you at this time.
- b. ☐ Has scheduled the hearing stated in ③ **and** has issued the temporary orders against you specified on pages 2 and 3. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

(Write the name of the person in ②): _____

5 ☐ **Personal Conduct Orders**

☐ c. Take any action, directly or through others, to obtain the addresses or locations of the person in ① or of that person's family or caretakers. *(If item c. is not checked, the court has found good cause not to make this order.)*

6 ☐ Stay-Away Order

7 ☐ **Move-Out Order**

8 ☐ **No Guns or Other Firearms**

9 ☐ Turn In or Sell Guns or Firearms

- Bring a receipt to the court within 72 hours of receiving this order, to prove that guns have been turned in or sold. (*You may use Form EA-145 for this.*)

Your name: _____

- ⑩ ☐ **Other Orders** (*specify*): _____

☐ *Additional orders are attached at the end of this Order.*

Instructions for the Protected Person

To the person in ①: (*Write the name of the person in ①*): _____

⑪ **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made,

☐ you ☐ your lawyer ☐ the court clerk

should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

_____	_____
_____	_____
_____	_____
_____	_____

⑫ **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents checked below:

- a. ☐ EA-120, *Notice of Hearing and Temporary Restraining Order (CLETS-TRO)* (completed and filed-stamped)
- b. ☐ EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse* (completed and filed-stamped)
- c. ☐ EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)
- d. ☐ EA-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. ☐ EA-151, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*
- f. ☐ Other (*specify*): _____

You must file with the court before the hearing a proof of service of these documents on the person in ②.

(*For help with service, read Forms EA-142 and EA-150.*)

This is a Court Order.

Your name: _____

Order to Both Parties on Service**13 ☐ Time for Service****A To: Person Asking for Order**

Someone 18 or over—**not you**—must personally “serve” a copy of this order to the restrained person at least _____ days before the hearing.

(For help with service or responding, read Forms EA-142 and EA-151.)

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form EA-110 on the person in ①, then file it with the court at least _____ days before the hearing.

14 ☐ No Fee for Service of Order by Law Enforcement

The sheriff will serve this Order without charge to the person in ① because that person is eligible for a fee waiver.

Date: _____

Judge (or Judicial Officer)

Warnings and Notices to the Restrained Person in ②**You Cannot Have Guns or Firearms**

- 15** If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑨ above. The court will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime.

16 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form EA-110 and file it with the court clerk. You do not have to pay any fee to file your response.
- Serve Form EA-110 on the person in ① or that person’s attorney by the date listed in ⑬ of this form. You cannot serve the person in ① yourself. The person who serves the person in ① should complete and sign a *Proof of Service*. Form EA-141 may be used for this purpose. You should take the completed form back to the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and serve declarations signed by you and other persons who have personal knowledge of the facts. A declaration form (Form MC-031) is available from the clerk’s office at the court shown on page 1 of this form. If you do not know how to prepare a declaration, you should see a lawyer. After you have filed the response with the clerk of the court, a copy must be delivered personally or by mail to the person in ② or his or her lawyer.
- If you wish to oppose the request for orders, in addition to filing a response, you should be present at the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not go to the hearing, the judge can make the restraining orders last for 3 years.

This is a Court Order.

Your name: _____

17 Notice Regarding Non-Appearance at Hearing and Service of Order

If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from the previous or temporary restraining order is issued at the hearing, a copy of the order will be served on you by mail at the following address (*insert the address of the person in ②*):

If that address is not correct or you wish to verify that the temporary order was made permanent without substantive change, contact the clerk of the court.

If both you and the person in ① are personally present at the hearing where the order is issued, no additional proof of service will be required.

Instructions for Law Enforcement

- 18** This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Information for All Parties**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (*Civil Code, § 54.8*)

(Clerk will fill out this part)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Hearing and Temporary Restraining Orders* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

**Request and Order on Reissuing
Temporary Restraining Order**

Clerk stamps date here when form is filed.

DRAFT
4/13/06
Not Approved
by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1** Your name (person asking to reissue order):

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone (*optional*): (_____) _____

Your attorney (*if you have one*): (*Name, address, telephone number, and State Bar number*):

2 Name of person you want protection from:**3** ☐ I ask the Court to reissue the Temporary Restraining Order previously filed in this case on Form EA-120.

a. The last Temporary Restraining Order

was issued on (*date*): _____b. The last hearing date was (*date*): _____

c. The Order has been reissued _____ times.

4 ☐ I ask the court to reissue the Order because (*check one*):a. ☐ I could not get the Order served before the hearing date.b. ☐ The date of the hearing was changed because we were sent to mediation or other dispute resolution services.c. ☐ Other (*specify*): _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign your name

This is a Court Order.

Clerk will fill out section below.

5 The request to reissue the Temporary Restraining Orders is:a. ☐ Grantedb. ☐ DeniedThe Order listed in **③** is reissued and reset for hearing in this court on the date and time below.

Unless the court extends the time, the Order will end on the date and at the time below.

Name and address of court if different from above:

**Hearing
Date**

→ Date: _____ Time: _____

Dept.: _____ Room: _____

All orders in the Temporary Restraining Order stay in effect unless this order changes them.

(Continued on next page)

Case Number:

Your Name: _____

- ⑥ If this Order is granted, a copy of this Order must be served on the person in ② before the hearing, along with the other documents requesting orders to stop elder or dependent adult abuse.
- ⑦ By the close of business on the date this Order is made, a copy of this Order and any proof of service forms must be delivered to the law enforcement agency listed in ⑧ by:
- ☐ The person in ①.
 - ☐ The attorney of the person in ①.
 - ☐ The clerk of the court.

Date: _____

► _____
Judge (or Judicial Officer)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (*Civil Code*, § 54.8)

(Clerk will fill out this part)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Request and Order on Reissuing Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

1 Name of person asking for protection: _____Address (*skip this if you have a lawyer*): (*If you want your address
to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone number (*optional*): (_____) _____Your lawyer (*if you have one*): (*Name, address, telephone number, and
State Bar number*): _____

_____**DRAFT****4/13/06****Not Approved
by the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

_____**2** Name of person to be restrained: _____

Description of that person:

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (*if known*): _____

City: _____ State: _____ Zip: _____

Work Address (*if known*): _____

City: _____ State: _____ Zip: _____

3 Hearing

There was a hearing:

on (*date*): _____ at (*time*): _____ ☐ a.m. ☐ p.m. Dept.: _____ Rm: _____

_____ made the orders at the hearing.

(*Name of judicial officer*)

These people were at the hearing:

a. ☐ Plaintiff (*the person in ①*) c. ☐ Plaintiff's lawyer (*name*): _____b. ☐ Defendant (*the person in ②*) d. ☐ Defendant's lawyer (*name*): _____**4 This Is a Court Order**

The person in ② must obey all the orders indicated below. If you do not obey this Order, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

(Write the name of the person in ②): _____

☐ This Order, except for an award of lawyer's fees, expires at:
(time): _____ ☐ a.m. ☐ p.m. or ☐ midnight on (date): _____

☐ This renewal Order remains in effect permanently.

☐ a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements.

☐ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.

☐ c. Take any action to obtain the address or location of the person in ① or of that person's family or caretakers.

a. ☐ The person listed in ①

b. ☐ The home of the person in ①

c. ☐ Job or workplace of the person in ①

d. ☐ Vehicle of person in ①

e. ☐ Other (*specify*): _____

You must move out immediately from (*address*): _____

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 48 hours of receiving this order. But if you were at a hearing on this order, it must be done within 24 hours of the hearing.
- Bring a receipt to the court within 72 hours of receiving this order, to prove that guns have been turned in or sold. (*You may use Form EA-145 for this.*)

23

Case Number:

Your name: _____

Instructions for the Protected Person

To the person in ① (Write the name of the person in ①): _____

⑫ ☐ **Delivery to Law Enforcement**

If the court issues restraining orders, by the close of business on the date this Order is made, you or your attorney must deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below:

Name of Law Enforcement Agency

Address (City, State, Zip)

⑬ ☐ **No Fee for Service of Order by Law Enforcement**

The sheriff or marshal will serve this Order without charge because the Order is based on stalking or a credible threat of violence resulting from a threat of sexual assault or stalking.

Date: _____



Judge (or Judicial Officer)

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑩ above. The court will ask you for proof that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an Order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

(Clerk will fill out this part)

Clerk's Certificate

Clerk's Certificate
[seal]

I certify that this *Restraining Order to Stop Elder or Dependent Adult Abuse After Hearing (CLETS)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DRAFT
4/13/06
Not Approved
by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

① Name of person asking for protection:

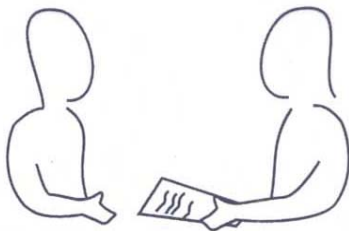
② Name of person you want protection from:

③ Notice to Server

The server must:

- Be over 18 years of age.
- Not be listed on the restraining order.

- Give a copy of all documents checked in ④ to the person in ②. (You cannot send them by mail.) Then complete and sign this form, and give or mail it to the person in ①.



PROOF OF PERSONAL SERVICE

④ I gave the person in ② a copy of the documents checked below:

- ☐ EA-120, *Notice of Hearing and Temporary Restraining Order (CLETS-TRO)*
- ☐ EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*
- ☐ EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)
- ☐ EA-145, *Proof of Firearms Turned In or Sold* (blank form)
- ☐ EA-151, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*
- ☐ EA-130, *Restraining Order to Stop Elder or Dependent Adult Abuse After Hearing (CLETS-OAH)*
- ☐ Other (specify): _____

⑤ I personally gave copies of the documents checked above to the person in ② :

a. On (date): _____ b. At (time): _____ ☐ a.m. ☐ p.m.

c. At this Address: _____

City: _____ State: _____ Zip: _____

⑥ Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

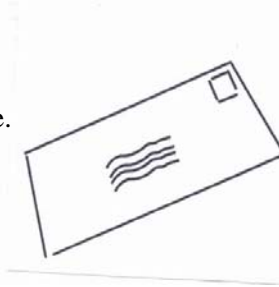
 Type or print server's name

 Server to sign here

*Clerk stamps date here when form is filed.***DRAFT****4/13/06****Not Approved
by the Judicial Council****1** Name of person asking for protection: _____**2** Your name: _____**3 Notice to Server**

The server must:

- Be over 18 years of age.
- Be a resident or employed in the county where the mailing took place.
- Not be a party in the case.
- Mail a copy of all documents checked in **4** to the person in **1**. Complete and sign this form and give it to the person in **2**.

*Fill in court name and street address:***Superior Court of California, County of***Fill in case number:***Case Number:****PROOF OF SERVICE BY MAIL****4** I am over 18 years of age and am a resident or employed in the county where the mailing took place. I mailed the person in **1** a copy of all documents checked below:

- a. ☐ EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse*
- b. ☐ Other (*specify*): _____

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Mailed from (*City*): _____ (*State*): _____
- b. On (*Date*): _____
- c. To this Address: _____
City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

*Type or print server's name*_____
Server to sign here

What is "service"?

There are many kinds of service—in person, by mail, and others. This form is about "personal" service. The *Notice of Hearing and Temporary Restraining Order* (EA-120) and the *Request for Orders to Stop Elder or Dependent Adult Abuse* (EA-100) must be served "in person."

That means someone—**not you** or anyone else protected by the order— must personally "serve" (give) the restrained person a copy of the forms.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to answer

Who can serve?

Ask someone you know, a process server, or law enforcement to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be over 18 years of age.
- Not be you or anyone else protected by the orders.

The sheriff may be authorized to serve the court's orders **for free** if the person seeking protection is entitled to a fee waiver. To qualify for a fee waiver, you must fill out and file *Application for Waiver of Court Fees and Costs* (Form 982(a)(17)).

A "registered process server" is a business you pay to deliver court forms. Look in the Yellow Pages, under "Process Serving."

(If law enforcement or the process server uses a different Proof of Service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person.
- Give the person copies of all papers checked on Form EA-140, the Proof of Service form.
- Fill out and sign the Proof of Service form.
- Give the signed Proof of Service to you.

What if the person won't take the papers or tears them up?

The server must attempt to make personal delivery even if the person won't take the papers. It doesn't matter if the person tears them up.

Who signs the Proof of Service?

Only the person who serves the orders can sign the Proof of Service. You do not sign Form EA-140. The restrained person does not sign this form.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form EA-120:

First, look at the hearing date on page 1 of EA-120.

3 Notice of Hearing
A court hearing is scheduled on the request for orders again

Hearing Date → Date: _____
Dept.: _____

Next, look at the number of days written in ⑬ on page 3.

13 ☐ **Time for Service**

A To: Person Asking for Order
Someone 18 or over—**not you**—must personally "serve" a copy of this order to the restrained person at least _____ days before the hearing.

Look at a calendar. Subtract the number of days in ⑬ from the hearing date. That's the final date to have the orders served. It's always OK to serve earlier than that date.

If nothing is checked or written in ⑬, you must serve the orders at least 2 days before the hearing.

Why do I have to get the orders served?

- The *police cannot arrest* anyone for violating an order *unless* that person knows about the order.
- The *judge cannot make the orders permanent* unless the restrained person was served.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file *Request and Order on Reissuing Temporary Restraining Order* (Form EA-125). This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form.

After the court has reissued the orders, you *must* attach a copy of EA-125 to a copy of your original orders. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date.

What do I do with the completed Proof of Service?

- Make at least 5 copies.
- File the original before your hearing.
- Ask the clerk to enter it into CLETS (California Law Enforcement Telecommunications System), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you they can't enter it into the computer, take a copy of the orders to the sheriff's department. They will put the information into the state computer system. That way, police all over the state will know about your restraining order.
- Bring a copy of the completed Proof of Service (Form EA-140) to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

**Proof of Firearms
Turned In or Sold***Clerk stamps date here when form is filed.*

DRAFT
4/13/06
Not Approved
by the Judicial Council

1 Name of person asking for protection:

2 Your name:

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone (*optional*): (_____) _____

Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

3 To the person selling or turning in firearms:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. You should deliver your weapons unloaded. When you deliver your weapons, ask law enforcement or the licensed gun dealer to complete item **4** or **5** and item **6**. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form EA-151.

4 To: Law Enforcement

Fill out items **4** and **6** of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in **6** were turned in on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

► _____
Signature of law enforcement agent

5 To: Licensed Gun Dealer

Fill out items **5** and **6** of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed in **6** were sold on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____
Name of licensed gun dealer

License number (_____)
Telephone

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

► _____
Signature of licensed gun dealer

Your name: _____

Case Number: _____

6	Firearms Make	Model	Serial Number
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

☐ Check here if you turned in or sold more firearms. Attach a sheet of paper and write "Item 6—Firearms Turned In or Sold" at the top. Include make, model, and serial number for all firearms.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in 6? ☐ Yes ☐ No

8 If you answered yes to 7, have you sold or transferred those other firearms? ☐ Yes ☐ No
If yes, check one of the boxes below:

- ☐ a. I filed the *Proof of Firearms Turned In or Sold* for those firearms with the court on (date): _____
- ☐ b. I am filing the Proof for those firearms along with this Proof.
- ☐ c. I have not yet filed the Proof for the other firearms. (Explain why not): _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign your name

EA-150**Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?****What is a Restraining Order?**

It is a court order that helps protect people from being abused.

Can I get a Restraining Order?

If you are a person over 65 years or a dependent adult, you can ask for a restraining order if you have been:

- Financially abused
- Neglected
- Abandoned or abducted
- Isolated
- Harmed, *or*
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering

How will the order help me?

The court can order a person to:

- Not abuse, harass, hit, or threaten you
- Not contact or go near you, *and*
- Not have a gun

What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. Ask for an interpreter or other accommodation. (See information on Requests for Accommodations below.)

What forms do I need to get the order?

Fill out Forms EA-100 and EA-120. Then file them with the court clerk.

Where can I get these forms?

You can get the forms at any court, self-help center, or county law library or on the Web at: www.courtinfo.ca.gov/forms

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

How will the person to be restrained know about the order?

Someone over 18 years of age—**not you** or anyone else protected by the order— must “serve” (give) the person to be restrained a copy of the order. For help with service, see or ask the court clerk for Form EA-142.

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

How much does it cost?

There is no fee for filing the request for a restraining order.

You may need to pay a fee for service of the order. If you cannot afford to pay the fee, ask the clerk how to apply for a fee waiver. If the fee waiver is granted, a sheriff or marshal will serve the order for a fee.

The court can make the person who loses the case pay all the court fees and the lawyer’s fees for the other party.

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk’s office for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)



Do I have to go to court?

Yes. Go to court on the date the clerk gives you.

Do I need a lawyer?

No. But it is a good idea. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Do I need to bring a witness to the court hearing?

No. But it helps to have proof of the abuse. You can bring:

- A written statement from witnesses made under oath
- Witnesses
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring witnesses' written statements signed under penalty of perjury to the hearing. (You can use Form MC-030 for this.)

Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. You cannot ask a child under 18 to interpret for you.

What if I move?

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so they will know about your orders.

Need more information?

Ask the court clerk about free or low-cost legal help.

For help in your area, contact:

[Local information may be inserted.]

What is a Restraining Order?

It is a court order.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Not take any action to obtain that person's address or location
- Stay away from that person and the person's home and workplace
- Not have any guns while the order is in effect

Who can ask for a Restraining Order?

A person who is being:

- Financially abused
- Neglected
- Abandoned or abducted
- Isolated
- Harmed, *or*
- Deprived by a caregiver of goods or services needed to avoid harm or suffering

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

What if I do not agree with what the order says?

You still must obey the order until the hearing.

If you disagree with the orders the person is asking for, you must fill out Form EA-110 before your hearing date, serve it, and file it with the court.

Do I have to serve the other person with a copy of my answer?

Yes. Someone—other than yourself—must mail a copy of completed Form EA-110 to the person who asked for the order (or that person's lawyer). (This is called "service.")

The person who serves the form by mail must fill out Form EA-141, *Proof of Service by Mail*. Make a copy of the proof of service and file it with the court clerk.

Should I go to the court hearing?

Yes. Go to court on the date listed on Form EA-120. If you do not go to court, the judge can make orders without hearing from you.

EA-120 Notice of Hearing and Temporary Restraining Order

1. Name of person asking for protection: _____

2. Address of person asking for protection: _____

3. Address of person to be protected: _____

4. Notice of hearing: _____

5. Court clerk's signature: _____

Do I need a lawyer?

No. But it is a good idea. Ask the court clerk about legal services and self-help centers in your county.

Will I see the person who asked for the order at the court hearing?

If the person goes to the hearing, yes. Do not talk to that person unless the judge says you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case. But if possible, you should also bring the witnesses' written statements of what they saw or heard to the hearing. Their statements must be made under penalty of perjury. You can use Form MC-030 for this.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer, if you have one, can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You cannot ask a child under 18 to interpret for you.

What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. (See information on Requests for Accommodations below.)

Need more information?

Ask the court clerk about free or low-cost legal help.

For help in your area, contact:

[Local information may be inserted]

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8)

